

**VILLAGE OF CAMBRIDGE**

**LOCAL LAW #2 OF 2007**

**A LOCAL LAW ENTITLED: "VILLAGE OF CAMBRIDGE TEMPORARY ZONING LAW NO. 2 OF 2007"**

Be it enacted by the Board the Trustees of the Village of Cambridge as follows:

Section 1: Title.

The title of this local law shall be "Village of Cambridge Temporary Zoning Law No. 2 of 2007." This local law may be cited as "VOC LL2-2007".

Section 2: Authority.

This local law is enacted pursuant to the authority of Municipal Home Rule Law Section 10(1)(i), which authorizes a Village to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government.

Section 3: Legislative Findings.

(a) The Village of Cambridge is presently experiencing an increase in growth and property development, including the renovation and re-development of existing structures within the Village having historical significance.

(b) The Village of Cambridge presently has a Zoning Ordinance, adopted June 17, 1974 [the "Zoning Ordinance"], which provides some regulation of renovation and

re-development of existing structures; however, it is the determination of the Board of Trustees that such regulation is inadequate.

(c) An Advisory Committee [the "Zoning Committee"] has been established by the Board of Trustees of the Village of Cambridge to make recommendations to the Village Board regarding the enactment of amendments and modifications to the current Village Zoning Ordinance.

(d) A second Advisory Committee [the "Historic Preservation Committee"] has been established by the Board of Trustees of the Village of Cambridge to make recommendations to the Village Board regarding the enactment of local legislation (either by modification to the current Village Zoning Ordinance or by separate local law) to preserve and protect historically significant structures in the Village.

(e) Pending the completion of the work of these two Committees, and the Village Board's subsequent enactment of such local legislation as may be deemed necessary and appropriate in connection therewith, historically significant structures within the Village may be altered, removed or demolished in a manner which is inconsistent with the ultimate guidelines and recommendations of the Zoning Committee, the Historic Preservation Committee and the Village's Comprehensive Plan. This may serve to: i) substantially reduce the effectiveness of any zoning ordinance or local law which the Village may adopt or enact; and ii) interfere with the ability of the Board of Trustees to properly plan for growth and development in the Village and afford adequate facilities for the distribution of public services, comfort, convenience, public health and safety, and the general welfare of the citizenry of the Village.

(f) A temporary moratorium on the alteration, removal, and demolition of historically significant structures in the Village of Cambridge will allow the Village appropriate time to prepare and adopt local legislation (either by modification to the current Village Zoning Ordinance or by separate local law) to preserve and protect historically significant structures in the Village, as contemplated by the provisions of the Village's Comprehensive Plan.

Section 4: Purpose.

The purpose of this local law is to protect the public health, safety and welfare by creating a temporary moratorium upon the alteration, removal and/or demolition of historically significant structures within the Village of Cambridge and the issuance of permits and approvals for such alteration, removal and/or demolition.

Section 5: Moratorium.

(a) Scope. For a period of twelve (12) months from the effective date of this local law:

(i) No structure within the Village of Cambridge which constitutes an "Historically Significant Structure," as that term is hereinafter defined, shall be moved, removed or demolished, except as expressly provided herein.

(ii) No structure within the Village of Cambridge which constitutes an "Historically Significant Structure," as that term is hereinafter defined, shall be altered, improved, renovated or modified in such a way as to extend or reduce the height or exterior dimensions of the structure, except as expressly provided herein.

(iii) No lot, piece or parcel of land within in the Village of Cambridge upon which there is now located an "Historically Significant Structure," as that term is hereinafter defined, shall be improved by the construction, erection or placement of another building or structure thereon, other than one which is deemed to constitute an "Accessory Use" (as that term is defined in the Zoning Ordinance) to the principal structure, except as expressly provided herein.

(iv) No person, partnership, limited partnership, corporation, association, limited liability company, trust, estate, joint venture or other entity of any kind or nature shall apply to the Washington County Code Enforcement Officer for a permit under the New York State Uniform Fire Prevention and Building Code for a permit or approval to perform any activity which is prohibited under the provisions of sub-sections 5 (a)(i)-(iii) above of this Law.

(v) No applications for the issuance of permits or approvals under the Zoning Ordinance for the performance of any activity which is prohibited under the provisions of sub-sections 5 (a)(i)-(iii) above of this Law shall be accepted by any Village Board (including Zoning Board of Appeals and Planning Board), Zoning Officer or Code Enforcement Officer; no plans for performance of any such activity shall be reviewed, considered or acted upon; and no permits or approvals to perform any such activity shall be issued; and

(vi) No person, partnership, limited partnership, corporation, association, limited liability company, trust, estate, joint venture or other entity of any kind or nature shall request, contract for, perform or undertake, or cause, suffer or permit to be requested, contracted, performed or undertaken, the performance of any activity which is prohibited under the provisions of sub-sections 5 (a)(i)-(iv) above of this Law, except as expressly provided herein.

(b) Exceptions. The foregoing prohibitions and restrictions shall not apply to the performance of routine maintenance and repairs to an Historically Significant Structure, which do not change the location, exterior dimensions, height or footprint of the structure.

Section 6: Appeal Provisions.

(a) The Board of Trustees shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, after hearing, that this local law would impose extraordinary hardship upon a landowner or developer, and that a variance from the provisions of the law would not adversely affect the health, safety and general welfare of the Village. By way of illustration of the foregoing general statement, but not of limitation thereof, the Board of Trustees may entertain variance applications where an Historically Significant Structure is declared by the Village to be an "Unsafe Structure," under the provisions of Village of Cambridge Local Law No. 1 of 1993, or it is otherwise evident that the issuance of a demolition or development permit with respect to an Historically Significant Structure has a direct impact on the immediate health, safety and general welfare of the public; or where an Historically Significant Structure has been destroyed or substantially damaged by fire, explosion or other Act of God occurring during the duration of this Law.

(b) Any requests for an exception or variance shall be filed with the Building Inspector, or his designee, and shall include a fee of Fifty Dollars (\$50.00) for the processing of such application and security, in such form as may be designated by the Village Attorney, for the

payment of the actual costs incurred by the Village for engineering, legal or other similar services rendered in connection with the consideration of the variance request, which costs shall be reimbursed to the Village by the applicant.

Section 7: Definitions. For purposes of this Law, an “Historically Significant Structure” shall be defined to mean any building or structure in the Village of Cambridge which is included in the Cambridge Historic District of the National Register of Historic Places (the “Cambridge Historic District”) and:

(a) is not specifically noted on the Cambridge Historic District as a “non-contributing” structure, or as an “intrusion” in the Cambridge Historic District; and

(b) constitutes either a “principal structure” on the lot where it is located, or an accessory structure (e.g., barn, garage, shed, etc.) which is specifically noted in the Cambridge Historic District as a “contributing structure”.

Section 8: Penalties.

(a) Any person, partnership, limited partnership, association, corporation, limited liability company, trust, estate, joint venture, or other entity which violates any provision of this local law shall be guilty of an offense against this law and subject to either:

(i) a fine not exceeding Three Hundred Fifty Dollars (\$350.00) or imprisonment for a period not to exceed six months, or both, for a conviction of a first offense; for a conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred Dollars (\$700.00) or imprisonment for a period not to exceed six (6) months or both; and upon conviction

for a third or subsequent offense, all of which were committed within a period of (5) years, punishable by a fine not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment for a period not to exceed six (6) months, or both; or

(ii) a civil penalty not exceeding Three Hundred Fifty Dollars (\$350.00) for a first offense; for a conviction of a second offense, both of which were committed within a period of five (5) years, a civil penalty of not less than Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred Dollars (\$700.00); and upon a conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a civil penalty not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00);

(b) Each day's continued violation shall constitute a separate additional violation, for which separate and additional fines and punishment or civil penalties may be imposed and recovered.

(c) In the event that the penalty sought is within the monetary jurisdiction of the justice court, as established in Article 18 of the Uniform Justice Court Act, such action to recover such penalty may, as shall be determined by the attorney representing the Village, be commenced as a small claim pursuant to the provisions of Article 18 of the Uniform Justice Court Act.

(d) The imposition of the penalties herein prescribed shall not preclude the Village from instituting an appropriate action or proceeding for an injunction to prevent an unlawful maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of any structure, dwelling or building erected, constructed, placed or occupied in violation of this local law.

Section 9: Severability.

If any term or provision of this local law, or the application thereof to any person or circumstance, shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this local law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this local law shall be valid and be enforced to the fullest extent permitted by law.

Section 10: Effect of Other Laws.


All ordinances and local laws in conflict with the provisions of this local law are hereby suspended and superseded during the duration of this local law, to the extent necessary to give this local law full force and effect. Upon the expiration of this local law, however, any ordinances or local laws so suspended and superseded by virtue of the provisions of this Section 10 shall again be deemed to be in full force and effect in accordance with their terms unless expressly modified, suspended or repealed by the terms of another ordinance or local law hereafter adopted.

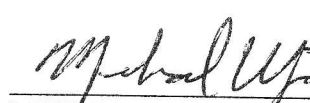
Section 11: Effective Date and Duration.

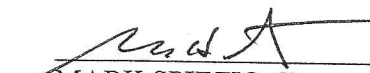
This local law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law, and shall remain in force and effect for a period of six (6) months from its effective date, or until the effective date of a subsequently enacted zoning law of the Village of Cambridge, whichever first occurs.



ENACTED this 3rd day of December, 2007 by the Board of Trustees of the Village of  
Cambridge, Washington County, New York.

  
DEDE B. NASH, Mayor

  
MIKE WYATT, Trustee

  
MARK SPIEZIO, Trustee

  
GEOFFREY HOFFER, Trustee

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\* Vacancy In Office